

RECEIVED
CENTRAL FAX CENTER
JUN 21 2007

Application No. 10/642,670
Docket No. H07-159418M/STS

7

REMARKS

Entry of this Amendment is believed proper since no new issues are being raised which would require the Examiner's further consideration and/or search.

Claims 1-5, 7-14 are all the claims presently pending in this application. Claims 1-2 and 11-14 have been amended to more particularly define the claimed invention. Claims 15-16 have been canceled.

It is noted that the amendments are made only to more particularly define the invention and not for distinguishing the invention over the prior art, for narrowing the scope of the claims, or for any reason related to a statutory requirement for patentability. It is further noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

Applicant has included the allowable subject matter of claims 16, 13 and 15 into new independent claims 1, 12 and 14, respectively, thereby to pass all the claims to allowance.

Claims 12-13 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 12-13 have been amended in a manner believed fully responsive to all points raised by the Examiner.

Claims 1, 7-10, 12 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Admitted State of Prior Art, further in view of Sparrow, U.S. Pat. No. 3,626,545.

Claim 3 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Admitted State of Prior Art and Sparrow, U.S. Pat. No. 3,626,545, further in view of Knoedler et al., U.S. Pat. No. 5,210,532.

Application No. 10/642,670
Docket No. H07-159418M/STS

8

Claims 4-5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Admitted State of Prior Art and Sparrow, U.S. Pat. No. 3,626,545, further in view of Edwards, U.S. Pat. No. 6,946,988.

These rejections are respectfully traversed in view of the following discussion.

I. THE PRIOR ART REJECTIONS

A. The 35 U.S.C. § 103(a) Rejection over Admitted State of Prior Art further in view of Sparrow, U.S. Pat. No. 3,626,545

The Examiner alleges that Admitted State of Prior Art, (ASPA), further in view of Sparrow, U.S. Pat. No. 3,626,545, (Sparrow), makes obvious the invention of claims 1, 7-10, 12 and 14.

The Examiner alleges that one of ordinary skill in the art would have been motivated to modify ASPA with the teaching from Sparrow to form the invention of claims 1, 7-10, 12 and 14. Applicant submits, however that these references would not have been combined and even if combined, the combination would not teach or suggest each element of the claimed invention.

Indeed, Applicant submits, however, that neither ASPA, nor Sparrow, nor any alleged combination thereof, teaches or suggests, "a changeover switch for selecting between one of the switch and the remote-control receiver to control the drive unit to start or stop the motor."

Therefore, Applicant requests that the Examiner reconsider and withdraw this rejection since the alleged prior art references to ASPA and Sparrow (either alone or in combination) fail to teach or suggest each element and feature of Applicant's claimed invention.

Application No. 10/642,670
Docket No. H07-159418M/STS

9

B. The 35 U.S.C. § 103(a) Rejection over Admitted State of Prior Art and Sparrow, U.S. Pat. No. 3,626,545 further in view of Knoedler et al., U.S. Pat. No. 5,210,532

The Examiner alleges that Admitted State of Prior Art and Sparrow, U.S. Pat. No. 3,626,545, (ASPA and Sparrow), further in view of Knoedler et al., U.S. Pat. No. 5,210,532, (Knoedler), makes obvious the invention of claim 3.

The Examiner alleges that one of ordinary skill in the art would have been motivated to modify ASPA and Sparrow with the teaching from Knoedler to form the invention of claim 3. Applicant submits, however that these references would not have been combined and even if combined, the combination would not teach or suggest each element of the claimed invention.

That is, Knoedler fails to make up for the deficiencies of ASPA and Sparrow as discussed above.

The Examiner asserts Knoedler discloses placement of a transmitter on an operator by means of a hooked whether u-shaped cross section.

However, even assuming *arguendo* that the Examiner's position has some merit, Knoedler fails to teach or suggest, "a changeover switch for selecting between one of the switch and the remote-control receiver to control the drive unit to start or stop the motor."

Therefore, Knoedler fails to overcome the deficiencies of ASPA and Sparrow.

Therefore, Applicant requests that the Examiner reconsider and withdraw this rejection since the alleged prior art references to ASPA and Sparrow and Knoedler (either alone or in combination) fail to teach or suggest each element and feature of Applicant's claimed invention.

Application No. 10/642,670 10
Docket No. H07-159418M/STS

C. The 35 U.S.C. § 103(a) Rejection over Admitted State of Prior Art and Sparrow, U.S. Pat. No. 3,626,545 further in view of Edwards, U.S. Pat. No. 6,946,988

The Examiner alleges that Admitted State of Prior Art and Sparrow, U.S. Pat. No. 3,626,545, (ASPA and Sparrow), further in view of Edwards, U.S. Pat. No. 6,946,988, (Edwards), makes obvious the invention of claims 4-5.

The Examiner alleges that one of ordinary skill in the art would have been motivated to modify ASPA and Sparrow with the teaching from Edwards to form the invention of claims 4-5. Applicant submits, however that these references would not have been combined and even if combined, the combination would not teach or suggest each element of the claimed invention.

That is, Edwards fails to make up for the deficiencies of ASPA and Sparrow as discussed above.

The Examiner asserts Edwards discloses an accommodating portion for her remote-control transmitter.

However, even assuming *arguendo* that the Examiner's position has some merit, Edwards fails to teach or suggest, "a changeover switch for selecting between one of the switch and the remote-control receiver to control the drive unit to start or stop the motor."

Therefore, Edwards fails to overcome the deficiencies of ASPA and Sparrow.

Therefore, Applicant requests that the Examiner reconsider and withdraw this rejection since the alleged prior art references to ASPA and Sparrow and Edwards (either alone or in combination) fail to teach or suggest each element and feature of Applicant's claimed invention.

RECEIVED
CENTRAL FAX CENTER
JUN 21 2007

Application No. 10/642,670
Docket No. H07-159418M/STS

11

II. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1-5, 7-14, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Date:

June 21, 2007

Respectfully Submitted,



Donald J. Lecher, Esq.

Reg. No. 41,933

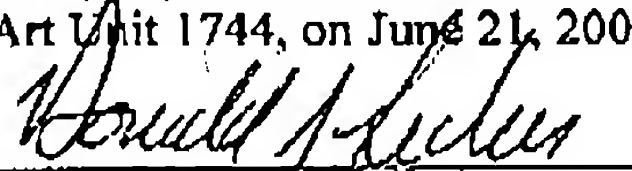
Sean M. McGinn, Esq.

Reg. No. 34,386

McGinn Intellectual Property Law Group, PLLC
8321 Old Courthouse Rd., Suite 200
Vienna, Virginia 22182
(703) 761-4100
Customer No. 21254

CERTIFICATE OF TRANSMISSION

I certify that I transmitted via facsimile to (571) 273-8300 the enclosed Amendment under 37 C.F.R. § 1.116 to Examiner Snider, Art Unit 1744, on June 21, 2007.



Donald J. Lecher, Esq.

Registration No. 41,933

Sean M. McGinn, Esq.

Registration No. 34,386